

By the instant criminal revision petition under Section 397 read with Section 401 Cr.P.C., the petitioner has challenged the order dated 9-12-2006 passed by the Chief Judicial Magistrate, Pali (for short, "the trial Court" hereinafter), whereby the trial Court accepted the negative final report submitted by the police, being FR No.51/2006 arising out of the FIR No.181/2006, Police Station, Kotwali, Pali filed by the petitioner.

Heard learned counsel for the petitioner and the Public Prosecutor. Perused the order impugned.

It appears that a report was lodged by the petitioner against the respondents No.2 to 4 for the offence under Section 3 (1) (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. After investigation, the police did not find the case and submitted the report that no such occurrence had taken place. Notice of the final report issued by the trial Court was served on the petitioner. Despite service of the notice, neither the petitioner nor his counsel appeared before the trial Court. The trial Court, on the basis of the material on record, i.e. the negative final report, accepted the final report.

Learned counsel for the petitioner submits that 28-10-2006 was the date fixed by the trial court for filing a protest petition, but since that day was declared as a holiday and the case was fixed on 9-12-2006. From the order impugned, it appears that on the date fixed by the trial Court, i.e. on 9-12-2006, neither the complainant-petitioner nor his counsel appeared, nor a protest petition was filed. Therefore, there was no option with the trial Court except to consider the material placed before it by police with final report and on such consideration, it came to the conclusion that there is no ground to proceed against the respondents No.2 to 4 and consequently,

the trial Court accepted the negative final report. In my view, the order impugned, accepting the final report by the trial Court, does not require any interference.

The criminal revision petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs